

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

EVAN MITCHELL COBB

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CASE NUMBER 4:14-CR-00096

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 6, 2019, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Ernest Gonzalez.

Evan Mitchell Cobb was sentenced on April 9, 2015, before The Honorable Thad Heartfield of the Eastern District of Texas after pleading guilty to the offense of Felon in Possession of a Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 17 and a criminal history category of VI, was 51 to 63 months. Evan Mitchell Cobb was subsequently sentenced to 54 months of imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, no alcohol, drug testing and treatment, mental health treatment, shall acquire a GED, and a \$100 special assessment. On February 16, 2018, Evan Mitchell Cobb completed his period of imprisonment

and began service of the supervision term.

On August 23, 2018, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 37, Sealed]. The Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) The defendant shall not commit another federal, state, or local crime; (2) The defendant shall not unlawfully possess a controlled substance; and (3) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1), (2), and (3) On May 5, 2018, Mr. Cobb was arrested by the Paris Police Department for Manufacturing and Delivery of a Controlled Substance PG $\frac{3}{4}$ < 28G, a State Jail Felony in violation of Texas Penal Code § 481.11, and Tamper/Fabricate Physical Evidence w/Intent to Impair, a 3rd Degree Felony in violation of Texas Penal Code § 37.09. On July 26, 2018, in Lamar County Court Case No. 66614, Mr. Cobb pled guilty to Possession of a Controlled Substance PG 3 < 28G, a Class A Misdemeanor in violation of Texas Penal Code § 481.117, and he was sentenced to 9 months in Lamar County Jail.

Prior to the Government putting on its case, Defendant entered a plea of true to all three (3) allegations of the Petition. Having considered the Petition and the plea of true to all three (3) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends the Defendant's

supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months, to be served consecutively to any other sentence imposed, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the medical Bureau of Prisons facility in Springfield, Missouri, if appropriate.

SIGNED this 7th day of February, 2019.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE